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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Luke Zion Yochai-Adams-Trimmer,

Plaintiff,

v.

D.C.S., et al.,

Defendants.

No. CV-23-08128-PCT-JAT (JZB)

ORDER

Self-represented Plaintiff Luke Zion Yochai-Adams-Trimmer, who is also known as Zion Z. Kauffman, is confined in the Arizona State Prison Complex-Lewis and is proceeding in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. Pending before the Court are Plaintiff's Motion to Order ADCRR to Remove Charges ("Motion to Remove Charges") (Doc. 22) and Motion to Dismiss Without Prejudice (Doc. 24). The Court will grant the Motion to Dismiss but will deny the Motion to Remove Charges.

I. Motion to Dismiss

Under Rule 41(a) of the Federal Rules of Civil Procedure, a party may dismiss an action without a court order by filing a notice of dismissal at any time before service of an answer or a motion for summary judgment. The right to voluntarily dismiss an action under these circumstances is absolute. *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999). Thus, the Court will grant Plaintiff's Motion to Dismiss.

II. Motion to Remove Charges

Plaintiff requests the Court order the Arizona Department of Corrections Rehabilitation & Reentry (ADC) to “remove and refund All Money that was taken.” He claims ADC “posted 350.00 x 3 that = to 1,050” and has “then taken more money and [is] sending it to the Court.” He contends ADC is “double charging [him].”

Plaintiff included with his Motion portions of several inmate account statements.¹ A review of those statements indicates Plaintiff is mistaken and ADC is not double charging him. Therefore, the Court will deny Plaintiff’s Motion to Remove Charges.

Between August 29 and 31, 2023, the Court assessed a \$350.00 filing fee in three of Plaintiff’s cases.² ADC added those fees to Plaintiff’s “Inmate Debt” account on September 5 and 15 using the Accounting Event code “35 FED FILING FEE.”³ ADC made these accounting entries to keep track of the amount of money Plaintiff ultimately needed to pay the Court.

Because Plaintiff did not have money to pay the fees when the Court assessed them, ADC did not take money out of Plaintiff’s inmate account when it made the accounting entries. However, ADC has been incrementally sending money to the Court. When it does, it takes money out of Plaintiff’s “Spendable Account” and reduces the balance of his Inmate Debt Account, using the Accounting Event code “35 PMT FED FILING FEE.”⁴

¹ Document 23 contains an Inmate Consolidated Statement showing information regarding all of Plaintiff’s prison accounts from September 1, 2023, to January 23, 2024 (*id.* at 1-9); a January 23, 2023 “View Obligation” page showing reductions to one of Plaintiff’s filing fee debts (*id.* at 10); and an Inmate Account Statement from September 1 to December 22, 2023 (*id.* at 11-17).

² See *Kauffman v. D.C.S.*, CV-23-08128-PCT-JAT (JZB) (D. Ariz. Aug. 29, 2023); *Kauffman v. Mohave County*, CV-23-08030-PCT-JAT (JZB) (D. Ariz. Aug. 30, 2023); and *Kauffman v. Rynning (Prison)*, CV-23-01278-PHX-JAT (JZB) (D. Ariz. Aug. 31, 2023).

³ See Doc. 23 at 17. The charge for CV-23-01278 is incorrectly listed as a charge for “CV-23-012798.” The “9” is a typographical error.

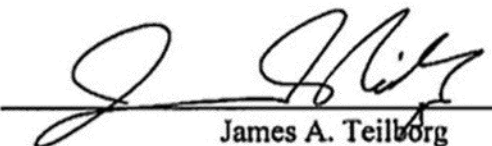
⁴ See Doc. 23 at 14-15 (Dec. 8, 2023 entries decreasing the balances in Plaintiff’s Spendable and Inmate Debt accounts by \$1.12); 11-12 (Dec. 22 entries decreasing balances by \$1.13); and 13 (Dec. 22 entries decreasing balances by \$2.94).

Each time this occurs, the amount Plaintiff owes the Court, as reflected in the Debt Account, is less.⁵ No double charging is occurring.

IT IS ORDERED:

- (1) Plaintiff's Motion to Order ADCRR to Remove Charges (Doc. 22) is **denied**.
- (2) Plaintiff's Motion to Dismiss Without Prejudice (Doc. 24) is **granted**.
- (3) This case is **dismissed without prejudice**. The Clerk of Court must enter judgment accordingly.

Dated this 28th day of February, 2024.


James A. Teilborg
Senior United States District Judge

⁵ See Doc. 37 at 10.